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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

October 17, 1997

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

Re: Amendment of Part 90 of the
Commission's Rules Concerning
Private Land Mobile Radio Services
WT Docket No. 97-153

Dear Mr. Caton:

On behalf of The Radio Association Defending Airwave Rights ("RADAR"), we are filing an original and fourteen (14) copies of its Reply Comments in the above-referenced rulemaking proceeding.

Please communicate with us if you need further information.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.



George Petrutsas
Counsel for Radio Association Defending
Airwave Rights

GP:cej
Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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JUL 17 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Part 90 of the)	W.T. Docket No. 97-153
Commission's Rules Concerning)	RM-8584
Private Land Mobile Radio)	RM-8623
Services)	RM-8680
)	RM-8734

REPLY COMMENTS OF
THE RADIO ASSOCIATION DEFENDING AIRWAVE RIGHTS

The Radio Association Defending Airwave Rights ("RADAR"), by counsel, submits its Reply Comments in the above-captioned proceeding. RADAR is the petitioner in RM-8734, which the Commission's proposal in Paragraph 11 of the Notice of Proposed Rulemaking (NPRM) in the proceeding essential grants. RADAR filed brief initial comments in the proceeding supporting the Commission's proposal and urged the Commission to adopt it.

RADAR is heartened by the substantial support the Commission's proposal has received,¹ but recognizes that the Department of Transportation (DOT), the

¹Those filing supporting comments include: The International Municipal Signal Association (IMSA) jointly with the International Association of Fire Chiefs ("IAFC"); Agency for Transportation of the State of Vermont; The Cumberland Gap Tunnel Authority, Broward County, FL; Nebraska State Senator Douglas A. Kristensen, as the Chairperson of the Nebraska Legislature's Committee on Transportation; Rep. Don Keller, Chairman, House Committee on Transportation, State of Missouri; Senator John F. Kerry; Former Congressman Gene Snyder; Vermont Railway, Inc.; MPH Industries, Inc.; Cybortech, Inc.; Sanyo Technica USA, Inc.; Risk Probe, Inc., a safety consultant; Mr. John Tomerlin, a highway safety consultant; David B. Sloan,

International Association of Chiefs of Police ("IACP"), and the National Association of Governor's Highway Safety Representatives ("NAGHRS") have opposed it. RADAR respectfully submits that their opposition is not well grounded. DOT, IACP and NAGHRS seem to have ignored the positive aspects of the Commission's proposal and have erroneously focused on their concerns about radar detectors. Briefly, the Commission's proposal would neither "legitimize" nor encourage the growth of radar detectors as such. The proposal would simply allow the use of a frequency within the 24.05-24.25 GHz radar band for the transmission of safety messages alerting motorists to hazardous conditions. Such transmissions would neither "legitimize" nor promote the proliferation of radar detectors, although initially, the safety alerting system would take advantage of the existence of the large number of radar detectors now in the hands of the public. However, as noted by SWS L.C. in its Reply Comments, current and future receivers associated with its safety warning system would not have the circuitry needed for those receivers to function as radar detectors.

RADAR is familiar and concurs fully with the Reply Comments filed of SWS, L.C. RADAR wishes to emphasize that adoption of the Commission's proposal would provide local public safety agencies with an important, technologically advanced means for promoting road safety effectively and economically, and without the allocation of new radio spectrum. The proposed safety warning service would be

Esquire; Mr. Dale T. Smith, an Engineer; and Lt. Giffen B. Nickel, a member of the Baltimore City Fire Department, speaking on his own behalf. Comments filed by Teligent, L.L.C., were directed primarily to the Commission's proposal to permit traffic light control on the frequency band 24.20-24.25 GHz.

accommodated on a secondary basis within a band already allocated and used for radar operations. The public interest would be well served.

Accordingly, the Commission is urged to adopt the proposals described in Paragraph 11 of the Notice of Proposed Rulemaking in the proceeding.

Respectfully submitted.

RADIO ASSOCIATION DEFENDING
AIRWAVE RIGHTS

By: 

Leonard Robert Raish
George Petrutsas

Its attorneys

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Date: October 17, 1997

cej/gp/gp#7/radar3.plead